

# Initiative & Referendum Petition Circulation FAQ



## **PRINTING YOUR PETITION AND PREPARING FOR CIRCULATION**

- Our office will provide printing instructions to the campaign.
- Keep these things in mind when printing:
  - Set the printer to black-and-white (not color) printing.
  - Print on 8.5" by 14" (legal sized) paper only. Petitions cannot be printed on any other sized paper.
  - Petitions must be numbered serially. We will provide instructions on how to do this automatically, or you can hand-write the numbers with blue or black pen.
  - Place a backing on each of your petition sections. The backing can be a lightweight cardstock/heavy construction type paper. Really anything that provides a bit of sturdy backing to the petition section. Any color will do.
  - Have a quality-control process in place for reviewing the printed formats before you start circulation. QR codes must be exactly like the format approved by our office, including the size and location of the code itself.
  - Staple each petition section together before you start circulating.
- If you are paying circulators, the entity that is directly paying the circulators must become a licensed petition entity. The petition entity license application can be completed on our website by going to this [page](#). The fee to become a licensed petition entity is \$500. You must have your petition entity license application approved before compensating circulators. The petition entity must also complete the petition registration form on which they list out the name of the petition for which they are circulating. The petition registration form is also available on our [website](#) or by emailing [ballot.access@coloradosos.gov](mailto:ballot.access@coloradosos.gov).
  - Important note: Currently licensed entities do not need to get a new license, but they do need to complete the petition registration form.

## **CIRCULATING YOUR PETITION**

- Do not start circulating your petition until you have a format approval letter from our office.

- The campaign or licensed petition entities must provide the petition circulator training to both volunteer and paid circulators. This training is available on our [website](#).
- Requirements for petition circulators:
  - Must be at least 18 years of age and a US citizen during the period they circulate.
    - Circulators do not need to be residents of Colorado.
  - Circulator must have read and understood the laws governing the circulation of petitions in Colorado. This can be accomplished by taking the circulator training our office provides [here](#).
  - Circulator must not provide false or misleading information about the petition.
  - Only one petition circulator can collect signatures per petition section. Multiple circulators cannot circulate the same petition section.
  - Nothing of value can be provided to a signer.
  - Circulators must wear a badge that says “VOLUNTEER CIRCULATOR” in legible, bold-faced type if they are not being paid for circulating; Circulators who are being paid must wear a badge that says “PAID CIRCULATOR” with the name and telephone number of the petition entity or individual employing them in legible, bold-faced type.
  - Circulators must personally witness each signer line on the petition section being completed by the signer.
  - Circulators must never take a petition section apart.
  - Circulators must not assist signers with completing the signer line or make any corrections or marks in the signer lines.
- Signer requirements:
  - The signer of the petition must be registered to vote in Colorado.
  - Signers cannot be assisted by the circulator. However, they can be assisted by anyone else as long as the person assisting signs near the signer line and notes that they assisted.
- Potential problems when circulating:
  - **Problem:** A property owner or store is telling me to get off their property.
    - Answer: Get the permission of property owners or store prior to circulation. Colorado state statute has little to say on the rights of circulators, and our office cannot help circulators who get into trouble.
  - **Problem:** A petition section has started to or has accidentally come apart.
    - Answer: Staple it back together.
  - **Problem:** I can see that a signer line has incorrect information.
    - Answer: If the signer is still there, have them cross out the error, initial the error, and provide the corrected information. If the error is large, cross out the signer line entirely and have the signer complete a new signer line. Always use blue or black pen, never marker. If the signer is gone, do not correct the errors or make any markings in the signer line.

- **Problem:** The circulator affidavit has errors.
  - Answer: Minor corrections can be made by having the circulator or notary cross out the error, initial it, and provide the correct information in their appropriate sections. For major corrections, print out an additional circulator affidavit, have it completed by the circulator and notary, and staple the corrected circulator affidavit behind the backing. Then, write VOID in blue or black ink across the old, incorrect circulator affidavit. Never disassemble a petition section to replace an affidavit that has errors with a new one. Add the new one with additional staples across the top.

## **SUBMITTING YOUR PETITION**

- All petition sections must be submitted at once. You cannot submit petitions piecemeal.
- Prior to submission please contact us and provide a date and time of your petition submission; your submission date will not be shared publicly. Submissions can be made between the hours of 8:00 am-5:00 pm, Monday-Friday.
  - **\*\*\*Please do not show up without first making an appointment with us to turn in your petition signatures. This ensures that proper staffing will be there to receive your petition.\*\*\***
  - When submitting do not hold a campaign rally inside or outside of our office building; hold your rally offsite.
- When you submit your petition, you must bring the following:
  - All of the petition sections that you plan to submit. You are only allowed one opportunity to submit. You cannot submit additional petition sections at a later time, even if you turn in early and your petition is declared insufficient.
  - A circulator/notary report that lists each section, who circulated it, the circulator's permanent address, and who notarized the section. Email this to us at [ballot.access@coloradosos.gov](mailto:ballot.access@coloradosos.gov), or turn in a hard copy with your petition.
    - If you paid circulators, you must also submit a report of the circulators who were paid and how much they earned within 10 days from submitting the petition.
- Upon receipt of your petition, our office will stamp each section and provide you a receipt with the total number of petition sections that you have submitted. A representative from your campaign is welcome to witness the petition stamping between the hours of 8 am-5 pm, Monday-Friday. If you don't wish to observe this process, our office will email your campaign the receipt with the total number of petition sections.

- After your submission, your campaign, opponents, and the public will not have access to scanned images of the petition sections until our office declares the petition sufficient or insufficient.
- We will process the petitions in the order that we receive them.
- Our office cannot precisely predict how long it will take to process your petition, the only thing we can tell you in that our statutory deadline to review a petition and declare sufficiency/insufficiency is 30 days from the date the petition is submitted. While we understand that you want to know the result of your petition submission as soon as possible, **please refrain from contacting our office and asking how much longer it will take.**

## **PETITION PROCESSING**

- We begin by removing the staples from your petition. When stapling your petitions, do your best to keep all staples above the “For SOS Office use only” markers. At this time, we will also be looking for any signs of tampering with your petition sections (for example, staples being removed and re-inserted.)
  - Missing or torn instruction pages are okay.
  - The signer pages must be stapled to the circulator affidavit and should follow the format as you had it approved.
  - If during circulation the circulator affidavit falls off or is damaged to the point that sending it through a scanner might be difficult, print another circulator affidavit and attach it behind the backing by adding staples along the top.
- We will send the petition sections through a high-speed scanner. We will then count the total number of reviewable signer lines. If the total number of reviewable signer lines is less than the total number of required signer lines, we will declare your petition insufficient and not process it. Your attempt to access the ballot via petition is over.
- We will review your circulator affidavits for any errors. If we find errors, we will contact you via email and provide a copy of the circulator affidavits with the errors and a form to correct the error. From the time we contact you with the errors, you have five calendar days to correct the errors. If you fail to correct the errors by the deadline, all the signature lines on the petitions with the circulator affidavit errors will be invalid.
  - Examples of common errors that you can correct:
    - Circulator and notary dates don’t match
    - Notary or circulator failed to complete all the information or provided incorrect information.
      - Common examples:
        - Circulator failed to sign form.
        - Failure of notary to put their stamp

- Notary wrote their name instead of the circulator's name on the "Printed name of circulator above" line.
- Next, we will adjudicate each individual signature line. We will be looking for the following:
  - The information on the signature line must be legible. If it is not, the signature line will be marked as invalid due to Illegible/Missing signer information.
  - We must be able to find the signer in the voter registration system. If we cannot, the signature line will be marked as invalid due to voter registration not found.
- Missing or partial signer information:
  - Names:
    - The last name must match the voter registration record.
    - The first name can be a variant of the name in the voter registration record (for example, we accept Will Smith or Bill Smith for William Smith); the first name cannot be an initial unless the first name is an initial in the voter registration record.
    - The middle initial is not required; however, if it is provided, it cannot contradict information in the voter registration record.
    - Any errors in spelling of the name will result in the signature line being rejected.
  - Address:
    - The number of the address must match the voter registration record.
    - The name of the street must match the voter registration record, though we will allow minor misspellings.
    - The street suffix and street directions are not required. If it is included, it cannot contradict the voter registration record.
    - Apartment numbers are not required. If included, it must not contradict the voter registration record.
    - City/Town: must provide city or town. Abbreviations are acceptable. For example, CS for Colorado Springs, GJ for Grand Junction, etc....
    - County: not required. "Colorado" or "CO" or "USA" written in the 'County' field is not reason for rejection.
  - Signature
    - Required.
  - Date of Signing:
    - The signature line must have a date that falls within the circulation period, which is between the date that the petition could be circulated to the date of signing the circulator affidavit by the circulator.
- Voter Statuses
  - Active: can sign a petition
  - Inactive: can sign a petition

- Confidential: can sign a petition
- Incomplete: cannot sign a petition
- Pending: cannot sign a petition
- Cancelled: cannot sign a petition

### **Random Sampling:**

- All petitions, regardless of whether they are constitutional or statutory, will undergo a 5% random sample review of signature lines at the beginning.
  - For constitutional measures, they must pass the random sample with a projected validity rate of 90%. If they do not meet this, the petition is deemed insufficient. If they meet the 90% rate, then we will conduct a line-by-line review of all the petition signatures submitted.
  - For statutory measures, they must pass the random sample with a projected validity rate of 90%. If they fall below, the petition would be deemed insufficient. If the projected validity rate is 110% or greater, then we would declare the petition sufficient. If the projected validity rate falls between 90% and 110%, then a line-by-line review of all signatures is required.

### **2% State Senate District Signature Requirement (for Constitutional Measures):**

- Petitions for constitutional measures must collect signatures from at least 2% of the registered voters in each state senate district.
- Our petitions software will keep a tally of the number of signatures submitted from each state senate district to ensure that this requirement was met.
- If the signature threshold was not met in any district, the petition would be declared insufficient.

### **ANNOUNCING SUFFICIENCY/INSUFFICIENCY OF PETITION**

- After we have adjudicated all the signature lines and the circulator affidavit cure period has passed, we will add up all the valid lines. If the number of valid lines matches or exceeds the number of required lines, we will contact your campaign and issue a sufficiency letter.
- If the number of valid lines is less than the number of required lines, we will contact your campaign and issue an insufficiency letter.
- Any protest of the determination of sufficiency must be filed in district court within fifteen calendar days of the determination.

## **DON'T COMMIT FRAUD**

- Do not correct or add information to a signer line. If you don't wish for a signer line to be reviewed, you can put a line across the entire signature line in blue or black ink. Do not use marker. If the signer needs to make a correction to what they put down on the signer line, have them initial the correction.
- Only the circulator can fill out and correct information in the circulator portion of the circulator affidavit. Likewise, only the notary can fill out and correct information in the notary portion of the circulator affidavit.
  - When making corrections, the circulator (for the circulator section) or the notary (for the notary section) should cross it out and initial it. If it becomes too messy or confusing, you can attach a fresh circulator affidavit page behind the backing by adding additional staples across the top.

## **COMMON QUESTIONS**

- **Petition Format:**
  - Can I deviate from the petition format by adding additional signer pages?
    - Answer: No.
  - We would like to internally track the number of lines that we believe will be accepted, can we write on the petition sections?
    - Answer: We do not recommend that you write on the petition sections. However, as long as you do not write information within the signature lines or within the circulator and notary affidavit sections, it should be fine. We also don't recommend using sticky notes or attaching other substances to the petition sections that may make them difficult to scan. Please remove all extraneous materials such as sticky notes, paper clips, binder clips, rubber bands, etc. prior to submission to our office.
  - Prior to submission, I would like to make a copy of all my petition sections. Can I unstaple them to make photocopies or scan them?
    - Answer: No. Our office will provide you a free scanned copy of your petition when we announce the petition's sufficiency/insufficiency.
- **Signers and Circulator:**
  - Can a circulator sign the petition that they circulate?
    - Answer: Yes.
  - Can the circulator notarize the same petition section they circulate?
    - Answer: No.
  - Can a notary sign the same petition section that they notarize?
    - Answer: No. In addition, close relatives of the notary cannot sign the same petition section notarized by that notary.
  - Can the proponents sign the petition?
    - Answer: Yes.

- Can the proponents circulate their own petition?
  - Answer: Yes.
- Can a proponent notarize their own petition?
  - Answer: No.
- Can a homeless person circulate a petition?
  - Answer: Yes. Again, the only requirement of a circulator is that they are at least 18 years of age and a US citizen.
- Can a homeless person sign a petition?
  - Answer: Yes, as long as they are a registered voter.
- **Signer Lines:**
  - Does every signature line on the petition section need to be completed?
    - Answer: No. Even if you only have one signature line filled out on a section, turn it in!
  - Can signature lines or even an entire page of signature lines be skipped?
    - Answer: Yes.
  - If the signer provides information in the wrong fields, will the line be rejected?
    - Answer: No. As long as all the information is provided on a signer line, we will review the line and can potentially accept it.
- **Cure Period:**
  - Can I submit more petition sections if I submit my original submission early?
    - Answer: No. Once you submit your petition, you cannot submit additional petition sections, even in the event your petition is found insufficient and you turned in early.

## **THINGS TO KEEP IN MIND**

- Follow the printing instructions and check each printed section to make sure it has printed correctly before circulation. Never make photocopies.
- Staple each petition section together prior to circulation.
- Be sure that your circulators understand the laws and rules of petition circulation.
- Become a licensed petition entity if you plan to pay circulators directly. If you are having someone else pay circulators, make sure they are a licensed petition entity.
- Prior to submission, go through all of your circulator affidavits and make sure they have been filled out and there are no errors. If there are errors, have the circulator or notary make corrections or simply attach a newly completed circulator affidavit behind the backing using additional staples across the top.
- When you are ready to submit your petition, don't forget that you also must submit the circulator/notary report & paid circulator report (if applicable).



## **CHANGES FROM PAST INITIATIVE CYCLES:**

- Circulators no longer need to present a specific type of ID to a notary when having their circulator affidavit notarized. Standard notary practices still pertain.
- Both designated representatives are no longer required to be present at the turn in of the petition signatures.
- Proponents no longer need to bundle petitions in groups of 100 sections for turn in.

## **HELPFUL TOOLS**

- The first page of the petition section is the instructions page. It is useful for both signers and circulators, so please read it!
- If you would like to have signers verify their voter registrations before they sign, have them go to: [Go Vote Colorado](#)
- Interactive maps for state senate districts post-2020 redistricting:
  - [State Senate districts](#)
- To verify a notary, please visit our website: [Verify a Notary](#)
- If you have notaries that would like to take a training on notarizing petitions, our office offers a free tutorial [here](#) (under the “Notary” header, click on the “Notarization of Petition Affidavits” drop down).
- Our free circulator training is available here: [Petition Circulator Training](#)
- List of licensed petition entities in the State of Colorado can be found here: [Officially Licensed Petition Entities](#)
- Consequences of circulator fraud in the state of Colorado:
  - [Six charged for including forged signatures on petition in 2022 GOP primary race for Colorado’s 7th Congressional District seat](#)
  - [Georgia man sentenced to jail, fines in 2022 election petition fraud case](#)

*If you have any questions, please do not hesitate to contact us!*

*Ballot Access Customer Support*

*303-894-2200 x6333*

*[ballot.access@coloradosos.gov](mailto:ballot.access@coloradosos.gov)*